MONTANA LEGISLATIVE HISTORY

Chapter 191 1993

Bill H 213 S _____ Original bill & history ✓ C

H. Committee on Ag, Liva & Irr			S. Committee on Ag, Liva & Irr		
Hearing Date(s)	h 1/26	___C	Hearing Date(s)	h 3/03	___C
	v 2/17	___C		v 3/03	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HB 212 INTRODUCED BY DAILY, ET AL.

REQUIRE IMMEDIATE ACTION TO CONTAIN, REMOVE, AND ABATE RELEASE OF HAZARDOUS OR DELETERIOUS SUBSTANCE AT CERTAIN SITES TO PREVENT AQUIFER CONTAMINATION

1/16	INTRODUCED		
1/16	REFERRED TO NATURAL RESOURCES		
1/16	FIRST READING		
1/18	FISCAL NOTE REQUESTED		
1/22	FISCAL NOTE RECEIVED		
1/22	FISCAL NOTE PRINTED		
1/25	HEARING		
2/01	TABLED IN COMMITTEE		
2/02	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	47	48

HB 213 INTRODUCED BY ROSE

ALLOW LANDOWNER WITHIN IRRIGATION DISTRICT TO VOTE IN DISTRICT ELECTION REGARDLESS OF COUNTY RESIDENCY

1/16	INTRODUCED		
1/16	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
1/16	FIRST READING		
1/26	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/17	PLACED ON CONSENT CALENDAR		
2/19	3RD READING PASSED	95	0
	TRANSMITTED TO SENATE		
2/22	FIRST READING		
2/22	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
3/03	HEARING		
3/04	COMMITTEE REPORT—BILL CONCURRED		
3/04	PLACED ON CONSENT CALENDAR		
3/08	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/23	TRANSMITTED TO GOVERNOR		
3/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 191		
	EFFECTIVE DATE: 10/01/93		

HB 214 INTRODUCED BY M. HANSON, ET AL.

LIMIT FEE TITLE HOLDINGS BY DEPARTMENT OF FISH, WILDLIFE, AND PARKS OF LANDS UNDER WILDLIFE HABITAT ACQUISITION PROGRAM TO LANDS ACQUIRED ON OR BEFORE JUNE 1, 1993

1/16	INTRODUCED
1/16	REFERRED TO FISH & GAME
1/16	FIRST READING
1/18	FISCAL NOTE REQUESTED
1/22	FISCAL NOTE RECEIVED
1/22	FISCAL NOTE PRINTED
2/02	HEARING
2/18	TABLED IN COMMITTEE

HOUSE BILL NO. 213

INTRODUCED BY ROSE

IN THE HOUSE

JANUARY 16, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
FEBRUARY 18, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
	ENGROSSING REPORT.
FEBRUARY 19, 1993	THIRD READING, PASSED. AYES, 95; NOES, 0.
FEBRUARY 22, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
MARCH 4, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
MARCH 5, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
MARCH 8, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 213

INTRODUCED BY ROSE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LANDOWNER WITHIN AN IRRIGATION DISTRICT TO VOTE IN A DISTRICT ELECTION REGARDLESS OF RESIDENCY; ALLOWING A SINGLE LANDOWNER WITHIN AN IRRIGATION DISTRICT TO DESIGNATE AN AGENT TO VOTE FOR THE OWNER; AND AMENDING SECTION 85-7-1710, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-7-1710, MCA, is amended to read:

"**85-7-1710. Qualification of electors and nature of voting rights.** (1) At all elections held under the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of title to irrigable lands within the district, ~~herein~~ designated "electors", are entitled to vote:

(a) all individuals having the qualifications of electors under the constitution and general election laws of the state, except that ~~no~~ registration of electors and state and county residency may not be required;

(b) guardians, executors, administrators, and trustees;

(c) domestic corporations, by their duly authorized agents.

(2) In all elections held under this part, each elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction ~~thereof~~ of 40 acres owned by the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as ~~hereinafter~~ otherwise provided for), election precincts, or district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district must be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners. Whenever the land is owned by a single owner, the owner may designate an agent to cast the vote. ~~, and one~~ One vote only for each 40 acres of irrigable land or major fraction ~~thereof~~ of 40 acres may be cast by the voting co-owner or by an agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation, of a single owner or co-owners, of the co-owner designated for the purpose of voting, or of the purchaser of land under contract of sale, as the case

may be, shall file with the secretary of the district or with the election officials a written instrument of ~~his~~ the agent's authority, executed and acknowledged by the proper officers of the corporation, by the single owner or co-owners, or by the owner of land under contract of sale, as the case may be, and ~~thereupon~~ upon filing, the agent or co-owner or purchaser, as the case may be, is an elector within the meaning of this part. Whenever the total irrigable acreage within any one district has been platted or subdivided into lots or blocks to the extent of 5% or more of the total acreage of the district or whenever the majority of the district board adopts a resolution allowing it, each elector is permitted to cast one vote for each acre of irrigable land or major fraction of an acre of irrigable land owned by the elector within the district, irrespective of the location of ~~such~~ the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within the congressional subdivisions, but any elector owning any less than 1 acre of irrigable land within the district is entitled to one vote.

(4) The board of commissioners shall choose one of the following methods of balloting:

(a) 10 votes or less, separate ballots will be used; more than 10 votes, the elector shall vote in blocks of 10 using one ballot for each 10 votes and separate ballots for

odd votes over multiples of 10; or

(b) the elector shall submit a ballot that includes the number of acres owned and the number of votes being cast."

-End-

RPT. LCB4 FINAL COMMITTEE REPORT OF REFERRED BILLS RUN TIME 16:01
RUN DATE.... 05/03/93

CHAIRMAN--VERN KELLER COMMITTEE--HOUSE AGRICULTURE, LIVESTOCK & IRRIGATION
SECRETARY-JAELENE RACICOT
NORMAL SCHEDULE => SITE: ROOM 420 DAYS: TU,TH TIME: 3:00 P.M.

BILL NO--	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0036	BARNETT, JOE		REVISE LIVESTOCK MARKETING CUSTODIAL ACCOUNT LAW			
	12/30	1/05		DO PASS 1/5 VOTE: 14-0		1/06
HB0058	KELLER, VERNON		ALLOW KILLING OF DOG THAT HARASSES LIVESTOCK; PROVIDING ASSOCIATED PENALTIES			
	12/30	1/05		PASS AS AMENDED 1/12 VOTE: 16-0		1/14
HB0104	ROSE, JOHN		SEIZURE & FORFEITURE OF PROPERTY USED IN THEFT/TRANSPORT OF STOLEN LIVESTOCK			
	1/05	1/12		PASS AS AMENDED 1/21 VOTE: 16-0		1/23
HB0108	BERGSAGEL, ERNEST		REVISE RURAL COOPERATIVE BOARD OF TRUSTEES PROVISIONS			
	1/06	1/14		DO PASS 1/14 VOTE: 16-0		1/15
HB0114	COBB, JOHN		DEFINITION OF "LLAMA"			
	1/07	1/14		TABLED ON 01/14 VOTE: 16-0		
HB0163	HERRON, JACK		REVISE MONTANA MINT LAW			
	1/13	1/19		DO PASS 1/19 VOTE: 16-0		1/21
HB0167	BRANDEWIE, RAY		GENERALLY REVISE NURSERY LAWS			
	1/13	1/19		PASS AS AMENDED 1/26 VOTE: 15-0		1/28
HB0181	BARNETT, JOE		REVISE APICULTURE DEFINITION, REGISTRATION FEES, AND PENALTIES			
	1/14	1/28		DO PASS 1/28 VOTE: 16-0		1/30
HB0183	ENDY, WILLIAM		REQUIRE STATE LAND LESSEE TO MARK BOUNDARY OF LEASE; DEPT TO FURNISH SIGNS			
	1/14	1/21		TABLED ON 02/04 VOTE: 11-4		
HB0193	TUSS, CARLEY		MONTANA PRODUCE ACT			
	1/15	1/26		PASS AS AMENDED 2/2 VOTE: 16-0	APPROPRIATIONS	2/05
HB0213	ROSE, JOHN		REVISE IRRIGATION DISTRICT VOTING			
	1/16	1/26		PASS AS AMENDED 2/16 VOTE: 16-0		2/17

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By **CHAIRMAN VERN KELLER**, on January 26, 1993, at 3:00 P.M.

ROLL CALL

Members Present:
Rep. Vern Keller, Chairman (R)
Rep. Joe Barnett, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Bob Bachini (D)
Rep. Jody Bird (D)
Rep. Ervin Davis (D)
Rep. Bill Endy (D)
Rep. Harriet Hayne (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Wilbur Spring (R)
Rep. Wayne Stanford (D)
Rep. Jay Stovall (R)

Members Excused: None

Members Absent: Rep. Dore Schwinden

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 193, HB 213, SB 57
Executive Action: SB 57, HB 167

HEARING ON SB 57

Opening Statement by Sponsor:

SEN. BERNIE SWIFT, SD 33, St. Regis, stated that SB 57 would clarify a problem that game farms in Montana were having. He said the problem concerned who had the authority to administer

HEARING ON HB 213

Opening Statement by Sponsor:

REP. JOHN "SAM" ROSE, HD 11, Choteau, stated that HB 213 was drafted as the result of conflict in the Greenfield Irrigation District concerning a method of voting. He said that changes pertained to people who pay taxes on the land, but were not able to vote. He indicated they wanted to clear up the problem and give landowners the right to vote in a particular irrigation district.

Proponents' Testimony:

Jerry Nypen, First Vice President of the Montana Water Resources Association, reviewed the election process within the irrigation district. He stated that in irrigation district elections votes were cast in accordance with the number of acres of land owned. **Mr. Nypen** said the law states the landowner would be entitled to one vote for every 40 acres of land. He also said HB 213 addressed two problems and referred to **EXHIBIT 4.**

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. ROSE thanked the committee and closed.

HEARING ON HB 193

Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 35, Plevna, stated that HB 193 updated the procedures and laws relating to the Montana Produce Act. She said that these changes were requested by the Department of Agriculture. **REP. TUSS** stated that the only updates to the Montana Produce Act were done in the 1930's and early 1970's.

Proponents' Testimony:

Ralph Peck, Department of Agriculture, presented written testimony. **EXHIBIT 5**

Don Lake, Chairman of the Montana Potato Growers' Association, stated that currently the program's administrative costs were about 18 1/2%, and asked the committee not to exceed 20%. He introduced individuals representing four of the five districts in Montana. These individuals were **John Venhizen, Bill Kinin, Sid Schutter, Leo Nicholes, Steve Strcich,** and **Bill Cottom.**

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL DATE 1/26/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON	✓		
REPRESENTATIVE BOB BACHINI	✓		
REPRESENTATIVE JOE BARNETT V.C.	✓		
REPRESENTATIVE JODY BIRD	✓		
REPRESENTATIVE ERVIN DAVIS	✓		
REPRESENTATIVE BILL ENDY	✓		
REPRESENTATIVE HARRIET HAYNE	✓		
REPRESENTATIVE DON LARSON MIN. V.C.	✓		
REPRESENTATIVE GARY MASON	✓		
REPRESENTATIVE BILL REHBEIN	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN		✓	
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD	✓		
REPRESENTATIVE JAY STOVALL	✓		
CHAIRMAN VERN KELLER	✓		

EXHIBIT 4
DATE 1/26/93
HB 213

TO: HOUSE AGRICULTURE, L & I COMMITTEE

FROM: Jerry Nypen, First Vice President,
Montana Water Resources Association

TESTIMONY: Proponent, HB 213

My name is Jerry Nypen, I am representing MWRA & Greenfields Irrigation District. Irrigation district lands often go unrepresented in election activity due to the mature of existing las. There are two programs which needs mentioning.

1. Existing law requires that landowners vote only land in the county where they reside. Numerous districts have county lines within their boundaries with landowners having land in more than one county. Much land is rented with owners residing out of the district area.

2. Existing law allows designation of a voting agent for land under county owned or title, but leaves out this privilege for single ownerships. This bill will correct this situation.

Let me give you an example. An elderly man and wife transferred their land to their single adult children residing around the state. Current law prohibits this land from being used.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By **CHAIRMAN VERN KELLER**, on February 16, 1993, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Vern Keller, Chairman (R)
Rep. Joe Barnett, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Bob Bachini (D)
Rep. Jody Bird (D)
Rep. Ervin Davis (D)
Rep. Bill Endy (D)
Rep. Harriet Hayne (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Wilbur Spring (R)
Rep. Wayne Stanford (D)
Rep. Jay Stovall (R)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 564, HB 477, HB 516
Executive Action: HB 213, HB 535, HB 516

HEARING ON HB 564

Opening Statement by Sponsor:

REP. ERNEST BERGSAGEL, HD 17, Malta, stated that HB 564 establishes a fee structure to help operate the commodity dealers licensing program in the Department of Agriculture; 50% of the money will come from the general fund and the other 50% will come

horse's teeth did not need to be floated. **Mr. Uuker** stated that he has seen situations where a horse did not need the procedure done.

REP. ANDERSON asked John Uuker if he has referred horses to veterinarians. **Mr. Uuker** stated that he definitely has referred horses to veterinarians.

REP. SPRING asked Dick LaFrance if he learned to float horses teeth in veterinary school. **Dr. LaFrance** stated that he had and the course lasted 6 weeks.

REP. ANDERSON asked Dick LaFrance if floating teeth required a great deal of training. **Dr. LaFrance** stated that it was a fairly simple procedure that did not require a great deal of training.

REP. LARSON asked **Mr. Uuker** how often he floats teeth. **Mr. Uuker** replied that he makes a living from floating teeth.

REP. LARSON asked **Mr. Uuker** how many equine floaters there are in the state. **Mr. Uuker** said that there were four to five.

REP. BACHINI asked **Mr. Uuker** what training he has had. **Mr. Uuker** said that he worked under veterinarians for two to three years, and received formal training in Nebraska.

REP. SPRING asked **Mr. Uuker** what area of the state he works in. **Mr. Uuker** replied that his area reaches from the southern part of Wyoming to the northern part of Montana.

Closing by Sponsor:

REP. STOVALL closed.

EXECUTIVE ACTION ON HB 213

Motion: **REP. ROSE MOVED HB 213 DO PASS.**

Discussion: **Ms. Erickson** presented the amendment and explained that at the present time, a landowner is required to be a state and county resident in order to vote in an irrigation district election. This amendment would require a landowner to be a resident of the state but would not require residency in the county where the irrigation district is located.

Motion/Vote: **REP. ROSE** moved to adopt the amendment. The motion carried unanimously.

Motion/Vote: **REP. BARNETT MOVED HB 213 DO PASS AS AMENDED.** The motion carried unanimously.

REP. ROSE requested HB 213 be placed on the consent calendar.

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION **COMMITTEE**

ROLL CALL **DATE** 2/16/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON	✓		
REPRESENTATIVE BOB BACHINI	✓		
REPRESENTATIVE JOE BARNETT V.C.	✓		
REPRESENTATIVE JODY BIRD	✓		
REPRESENTATIVE ERVIN DAVIS	✓		
REPRESENTATIVE BILL ENDY	✓		
REPRESENTATIVE HARRIET HAYNE	✓		
REPRESENTATIVE DON LARSON MIN. V.C.	✓		
REPRESENTATIVE GARY MASON	✓		
REPRESENTATIVE BILL REHBEIN	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN	✓		
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD	✓		
REPRESENTATIVE JAY STOVALL	✓		
CHAIRMAN VERN KELLER	✓		

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 213 (first reading copy -- white) do pass as amended and be placed on consent calendar.

Signed: _____
Vern Keller, Chair

And, that such amendments read:

1. Title, line 6.
Following: "OF"
Insert: "COUNTY"

2. Page 1, line 20.
Strike: "and state"

Committee Vote:
Yes 11, No 0.

391108SC.Hss

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By Senator Rea, on March 3, 1993, at 3:00 p.m.

ROLL CALL

Members Present:
Sen. Jack "Doc" Rea, Chair (D)
Sen. Francis Koehnke, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Sen. Betty Bruski-Maus (D)
Sen. Jim Burnett (R)
Sen. Gary Forrester (D)
Sen. Mike Halligan (D)
Sen. Bob Pipinich (D)

Members Excused: Sen. Devlin

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council
David Martin, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 290, HB 213, HB 366
Executive Action: HB 290, HB 213, HB 366

HEARING ON HB 290

Opening Statement by Sponsor:
Rep. Chase Hibbard, District 46, said HB 290 would remove the sunset clause on sheep permit legislation enacted by the 1989 legislature. The original legislation was intended to deter sheep theft. It required that a permit be obtained for sheep being transported from one county to another which is similar to the system in place for the transportation of cattle and horses. He said since the inception of this legislation sheep loss has deceased from 3,836 reported in 1990, to 2,784 in 1991, to 1,083 in 1992. The program, still in infancy, is expected to be even more successful as it matures. He said HB 290 is supported by the sheep industry and passed overwhelmingly in the House.

Proponents' Testimony:
Cork Mortensen, Department of Livestock, supported HB 290 (Exhibit #2).

Gary Graves, Montana Wool rowers Association, presented testimony supporting HB 290 (Exhibit #1).

Bob Gilbert, Montana Wool Growers Association, supported HB 290.

Nancy Espey, Vice-Chairman, Board of Livestock, said the decision to remove the sunset should be a producers' decision and the producers strongly support HB 290.

Opponents' Testimony:
None

Questions From Committee Members and Responses:
Sen. Halligan asked what the cost of the permit would be. Rep. Hibbard said $1.

Sen. Aklestad asked if the permit could be obtained at the local sheriff's office. Mr. Mortensen said yes, the permit could be obtained at any place which had local brand inspection books.

Closing by Sponsor:
Rep. Hibbard closed and said Sen. Beck would carry the bill.

HEARING ON HB 213

Opening Statement by Sponsor:
Rep. Rose, District 11, said HB 213 would clear up issues concerning voting rights in relation to irrigation districts.

Proponents' Testimony:
Jo Brunner, Executive Director of Montana Water Resource Association, said HB 213 was introduced at the request of some irrigation districts. She said a problem exists when a landowner cannot vote in an irrigation district in which they own property unless they are a resident of the county in which the land exists.

Opponents' Testimony:
None

Questions From Committee Members and Responses:
Sen. Aklestad asked if the land was leased, would the lessee and the owner both have a vote. Rep. Rose said no, each forty acre parcel only had one vote attached. This legislation would allow an owner to vote in an irrigation district in which they were not a resident.

Sen. Halligan asked if he owned 80 acres in Cascade County and 80 acres in Teton County and lived in Cascade County, would he be able to vote in Teton County (under the old law). Rep. Rose said no he would not be able to vote in Teton County. The residency change would be to make the residency in Montana.

Sen. Beck asked if there was a legal proxy for a lessee to vote. Rep. Rose replied affirmatively.

Closing by Sponsor:
Rep. Rose closed. Sen Aklestad volunteered to carry HB 213.

HEARING ON HB 366

Opening Statement by Sponsor:
Rep. Rose said HB 366 would repeal the surcharge on field rodenticides. He said many of the rodenticides are outlawed and are no longer sold. Presently it costs more to collect the surcharge on these rodenticides than is produced in revenue. He referred to the fiscal note and said there is $2,000 left in the rodenticide account, and it would be carried over and expended in 1994. The Department of Agriculture will also receive $5,000 in grants from a company to conduct field studies, most of which concern underground poisons.

Proponents' Testimony:
Ralph Peck, Department of Agriculture, read a letter for Leo Giacometto, Director of Department of Agriculture (Exhibit #3).

Opponents' Testimony:
None

Questions From Committee Members and Responses:
Sen. Beck said that rodents are a tremendous problem and almost all means have been lost to combat this problem. He supported HB 213 because the current legislation no longer served it's original purpose.

Sen. Aklestad asked what the department was going to do with extra funds reflected by the fiscal note. Rep. Rose said that $2,000 will be retained in the account. Gary Gingery, Department

of Agriculture, said the money will be used for research even though not much money was represented. The $5,000 will be provided by a company which will study a rodenticide that may be used in the future in Montana.

Sen. Aklestad asked if the $5,000 grant was a one-time contribution. Mr. Gingery said it could involve one company donating the total sum or several smaller grants combined to do the initial field work. He said it would be an on-going effort.

Closing by Sponsor:
Rep. Rose said that rodents create a large problem in Montana and closed. It was decided that Sen. Beck would carry the bill.

EXECUTIVE ACTION ON HB 366

Motion/Vote: Sen. Pipinich MOVED HB 366 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 290

Motion/Vote: Sen. Pipinich MOVED HB 290 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 213

Motion: Sen. Pipinich MOVED HB 213 BE CONCURRED IN.

Discussion:
Sen Halligan asked if it was possible for a landowner to have property in several irrigation districts, if so, would the owner be able to vote in each irrigation district whether that person lived in the district or not. Rep. Rose said there may be isolated cases of this situation, under HB 213, an owner would be able to vote in different irrigation districts as long the person owned the property.

Sen. Beck asked if a person under the "old law" could vote in an irrigation district regardless of county residence. Rep. Rose said no and gave an example near Great Falls.

Doug Sternberg, Legislative Council, said in subsection 1A defined an elector which is similar to the laws governing county or general elections. HB 213 would exclude county residency as a requirement to vote in an irrigation district.

Sen. Forrester asked if an out-of-state land owner could control the voting within an irrigation district in which case local control would be lost. Mr. Sternberg said no, on line 20, page

1, "state" was stricken and "county" inserted. He said this would exclude county residency as a condition for voting in irrigation districts but that general election laws would still apply.

Sen. Forrester said that "state" and "county" residency seemed to not be required which would allow an out-of-state land owner to control an irrigation district. Mr. Sternberg said the general election laws would still apply except for cases of distinguishing between county residencies.

Sen. Pipinich asked if an out of state land owner, like Ted Turner, could control the water rights if he owned the land because of the stricken language about state and county. Rep. Rose said he had checked into this issue because of the "Broken O" operation, owned by Kelly Moore Paint Company in Teton County. He said there are restrictions within an irrigation district to prevent this situation.

Vote: The motion HB 213 Be Concurred In CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Aklestad MOVED HB 290 AND HB 213 BE PLACED ON THE CONSENT CALENDAR. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: Meeting adjourned at 2:35 p.m.

Jack "Doc" Rea
SENATOR REA, Chair

David Martin
DAVID MARTIN, Secretary

JR/dm

ROLL CALL

SENATE COMMITTEE AGRICULTURE DATE 3-3-93

NAME	PRESENT	ABSENT	EXCUSED
REA	✓		
KOEHNKE	✓		
AKLESTAD	✓		
BECK	✓		
DEVLIN			✓
BURNETT	✓		
HALLIGAN	✓		
PIPINICH	✓		
FORRESTER	✓		
BRUSKI-MAUS	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 4, 1993

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 213 (first reading copy -- blue), respectfully report that House Bill No. 213 be concurred in and unanimously recommend that it be placed on the Consent Calendar.

Signed: Jack "Doc" Rea
Senator Jack "Doc" Rea, Chair

m- Amd. Coord.
Sec. of Senate

Aklestad
Senator Carrying Bill

490923SC.Sma

HOUSE BILL NO. 213

INTRODUCED BY ROSE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LANDOWNER WITHIN AN IRRIGATION DISTRICT TO VOTE IN A DISTRICT ELECTION REGARDLESS OF COUNTY RESIDENCY; ALLOWING A SINGLE LANDOWNER WITHIN AN IRRIGATION DISTRICT TO DESIGNATE AN AGENT TO VOTE FOR THE OWNER; AND AMENDING SECTION 85-7-1710, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-7-1710, MCA, is amended to read:

"85-7-1710. Qualification of electors and nature of voting rights. (1) At all elections held under the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of title to irrigable lands within the district, ~~herein~~ designated "electors", are entitled to vote:

(a) all individuals having the qualifications of electors under the constitution and general election laws of the state, except that no registration of electors ~~and state~~ and county residency may not be required;

(b) guardians, executors, administrators, and trustees;

(c) domestic corporations, by their duly authorized agents.

(2) In all elections held under this part, each elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction ~~thereof~~ of 40 acres owned by the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as ~~hereinafter~~ otherwise provided for), election precincts, or district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district must be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners. Whenever the land is owned by a single owner, the owner may designate an agent to cast the vote. ~~and one~~ One vote only for each 40 acres of irrigable land or major fraction ~~thereof~~ of 40 acres may be cast by the voting co-owner or by an agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation, of a single owner or co-owners, of the co-owner designated for the purpose of voting, or of the purchaser of land under contract of sale, as the case

REFERENCE BILL
CONSENT CALENDAR

may be, shall file with the secretary of the district or with the election officials a written instrument of ~~his~~ the agent's authority, executed and acknowledged by the proper officers of the corporation, by the single owner or co-owners, or by the owner of land under contract of sale, as the case may be, and ~~thereupon~~ upon filing, the agent or co-owner or purchaser, as the case may be, is an elector within the meaning of this part. Whenever the total irrigable acreage within any one district has been platted or subdivided into lots or blocks to the extent of 5% or more of the total acreage of the district or whenever the majority of the district board adopts a resolution allowing it, each elector is permitted to cast one vote for each acre of irrigable land or major fraction of an acre of irrigable land owned by the elector within the district, irrespective of the location of ~~such~~ the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within the congressional subdivisions, but any elector owning any less than 1 acre of irrigable land within the district is entitled to one vote.

(4) The board of commissioners shall choose one of the following methods of balloting:

(a) 10 votes or less, separate ballots will be used; more than 10 votes, the elector shall vote in blocks of 10 using one ballot for each 10 votes and separate ballots for

odd votes over multiples of 10; or

(b) the elector shall submit a ballot that includes the number of acres owned and the number of votes being cast."

-End-